

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MEGHAN E. KLEIN, individually and in her
capacity as Executrix of the ESTATE OF
MICHAEL P. DONATUCCI,
Plaintiff,

v.

RONALD R. DONATUCCI, SR., ESQUIRE,
et al.,
Defendants.

CIVIL ACTION

No. 2:19-cv-01364-PBT

**PLAINTIFF’S MOTION FOR RECUSAL OF
DISTRICT COURT JUDGE AND FOR
STAY PENDING REASSIGNMENT TO ANOTHER JUDGE**

Plaintiff Meghan E. Klein, individually and as Executrix of the Estate of Michael Philip Thomas Donatucci, hereby moves for recusal of the Honorable Petrese B. Tucker from presiding over this instant action and for reassignment of this action to another judge, and for a stay of this action pending proceedings on the issues raised by this Motion in order to allow them to conclude before this Court makes any ruling with respect to substantive or dispositive motions of the Defendants regarding Plaintiff’s claims.

1. In support of this Motion, Plaintiff incorporates the accompanying Declaration with exhibits submitted herewith as “Exhibit A”, Certification of Good Faith, and Memorandum of Law.

2. Plaintiff respectfully submits that the Honorable Petrese B. Tucker should recuse herself from presiding over the instant action *sua sponte* and independent of this Motion. If Judge Tucker has not done so by the time the briefing on this Motion is completed, for all of the reasons set forth in the foregoing Declaration and Memorandum of Law, Plaintiff respectfully requests that Judge Tucker recuse herself from presiding over the instant action.

3. An explanation on the record for why this case was reassigned from Judge Baylson and Judge Kelly (including, if applicable, all grounds for why they recused themselves from presiding) should be provided. It is requested that the case be reassigned to Judge Baylson or Judge Kelly (absent valid basis for recusal) or to another member of the Court who is without an appearance of conflict of interest, as appropriate.

4. Plaintiff also respectfully requests that this action be stayed and all proceedings on the issues raised by this Motion be concluded in this Court and on any appeals before this Court makes any ruling with respect to substantive or dispositive motions of the Defendants regarding Plaintiff's claims.

5. Should the Court not grant this Motion based on the papers filed of record, including any response thereto, Plaintiff respectfully requests 1) an evidentiary hearing be held before the Court makes any ruling on this Motion and 2) this action be stayed and continue to be stayed pending the conclusion of all proceedings on the foregoing issues raised by this Motion in this Court and on any appeals before the Court makes any ruling on any motions to dismiss or other substantive or dispositive motions filed by Defendants regarding Plaintiff's claims.

WHEREFORE, Plaintiff Meghan E. Klein, individually and as Executrix of the Estate of Michael Philip Thomas Donatucci, respectfully requests that this motion for recusal and for stay be granted. Two proposed orders (the first order granting a stay as set forth above, and the second order granting the request for recusal) are submitted herewith.

Respectfully submitted,

SCHLAM STONE & DOLAN, LLP

Date: October 25, 2019

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and

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Date: October 25, 2019

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